

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

9

DECISION

**TOPIC Final Rule - Chapter 67 – Standards for the Land Application of Sewage
Sludge**

The Commission is requested to approve the attached Final Rule, which amends Chapter 67 – Standards for the Land Application of Sewage Sludge of the Iowa Administrative Code (IAC). The Commission approved the Notice of Intended Action at its December meeting.

The primary purpose of this rule change is to adopt into the state rules changes to the federal regulations that were amended as a result of EPA's reconsiderations of certain issues remanded by the U.S. Court of Appeals for additional justification or modification. The amendment is deleting the current land application pollutant limits for chromium and changing the land application pollutant concentration limit for selenium and molybdenum. This rule amendment also addresses a change to an adoption by reference date and an updated address.

Corey McCoid
Water Quality Bureau

February 12, 2007

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.173, the Environmental Protection Commission hereby amends Chapter 67, “Standards for the Land Application of Sewage Sludge,” Iowa Administrative Code.

These amendments to Chapter 67 are to adopt into the state’s administrative rules changes to the federal regulations that were amended as a result of EPA’s reconsiderations of certain issues remanded by the U.S. Court of Appeals for additional justification or modification. These amendments delete the current land application pollutant limit for chromium and change the land application pollutant concentration limits for selenium and molybdenum. These amendments also change an adoption by reference date and update an address.

The Notice of Intended Action was published in the Iowa Administrative Bulletin on January 3, 2007, as ARC 5639B. A public hearing was held on January 24, 2007. No comments were received during the hearing or the public comment period, which ended January 26, 2007. The amendments are identical to those published under the Notice of Intended Action, except a change to the department web address.

These amendments were adopted by the Commission on March 6, 2007.

This amendment is intended to implement Iowa Code chapter 455B.174.

These amendments shall become effective May 2, 2007.

The following amendment is adopted.

ITEM 1. Amend subrule 67.1(1) as follows:

67.1(1) General. This chapter establishes standards for the land application of sewage sludge generated during the treatment of domestic sewage in a treatment works. This chapter applies to any person who prepares sewage sludge (generator), to any person who applies sewage sludge to the land (applicator), and to sewage sludge applied to the land. No person shall land apply sewage sludge through any practice for which requirements are established in this chapter except in accordance with such requirements.

In areas that are not specifically addressed in this chapter, but which are addressed in federal regulations at 40 CFR Part 503 as ~~adopted February 19, 1993~~ amended through August 4, 1999, the federal ~~regulation~~ regulations shall apply under this rule, and are hereby adopted by reference under this chapter.

On a case-by-case basis, this department may impose requirements for the land application of sewage sludge in addition to or more stringent than the requirements in this chapter when necessary to protect public health and the environment from any adverse effect of a pollutant in the sewage sludge.

ITEM 2. Amend subrule 67.6(1) as follows:

67.6(1) Any treatment facility proposing to land apply sewage sludge shall apply for a permit for land application of sewage sludge on a properly completed form supplied by the department. Application forms may be obtained from:

Environmental ~~Protection~~ Services Division

Iowa Department of Natural Resources

~~Henry A. Wallace~~ State Office Building

~~900 East Grand~~ 502 East 9th Street

Des Moines, Iowa 50319

<http://www.iowadnr.gov/>

Properly completed forms should be submitted in accordance with the instructions for the form.

a. to c. No change.

ITEM 3. Amend paragraph **67.7(1)“a”** as follows:

a. The concentration of each pollutant in the sewage sludge shall not exceed the concentration for the pollutant in Table 1.

TABLE 1—POLLUTANT CONCENTRATIONS

| <u>Pollutant</u> | Monthly Average Concentration |
|------------------|-----------------------------------|
| | <u>(milligrams per kilogram)*</u> |
| Arsenic | 41 |
| Cadmium | 39 |
| Chromium | 1200 |
| Copper | 1500 |
| Lead | 300 |
| Mercury | 17 |
| Molybdenum | 75 |
| Nickel | 420 |
| Selenium | 10036 |
| Zinc | 2800 |

*Dry weight basis

ITEM 4. Amend paragraph **67.8(1)“a”** as follows:

a. The concentration of any pollutant in the sewage sludge shall not exceed the ceiling concentration for the pollutant in Table 3.

TABLE 3—CEILING CONCENTRATIONS

| <u>Pollutant</u> | <u>Ceiling Concentration</u> <u>milligrams per kilogram</u> * |
|------------------|--|
| Arsenic | 75 |
| Cadmium | 85 |
| Chromium | 3000 |
| Copper | 4300 |
| Lead | 840 |
| Mercury | 57 |
| Molybdenum | 75 |
| Nickel | 420 |
| Selenium | 100 |
| Zinc | 7500 |

*Dry weight basis

ITEM 5. Amend paragraph **67.8(2)“b”** as follows:

b. Land application sites, accepting Class II sewage sludges not meeting pollutant concentrations listed in Table 1 of ~~567~~—subrule 67.7(1); are ~~subjected~~ subject to the cumulative pollutant loading rates listed in Table 4.

TABLE 4—CUMULATIVE POLLUTANT LOADING RATES

| <u>Pollutant</u> | <u>Cumulative Pollutant kilograms per hectare</u> | <u>Loading Rate pounds per acre</u> |
|-----------------------|---|---|
| Arsenic | 41 | 36 |
| Cadmium | 39 | 34 |
| Chromium | 3000 | 2670 |
| Copper | 1500 | 1335 |
| Lead | 300 | 267 |
| Mercury | 17 | 15 |
| Molybdenum | 75 | 66 |
| Nickel | 420 | 373 |
| Selenium | 100 | 89 |
| Zinc | 2800 | 2490 |

ITEM 6. Amend **567—Chapter 67** by adding the following **new** implementation sentence at the end thereof:

These rules are intended to implement Iowa Code section 455B.174.

Date

Richard Leopold, Director